

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY GARRETT BROWN,

Petitioner,

v.

RAYMOND LAWLER, et al.,

Respondents.

Civil Action No. 09-103 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on May 5, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on May 19, 2009, recommended that Petitioner's Petition be dismissed for lack of jurisdiction and that a certificate of appealability be denied. It was further recommended that Petitioner's motion for leave to proceed *in forma pauperis* be dismissed. Petitioner was allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail. Petitioner filed objections on June 4, 2009 [Doc. No. 3]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 3rd day of February, 2010;

IT IS HEREBY ORDERED that the Petitioner's Petition is DISMISSED for lack of jurisdiction and a certificate of appealability is DENIED. It is further ORDERED that Petitioner's motion for leave to proceed *in forma pauperis* is DISMISSED.

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on May 19, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge